

Application Serial No. 10/523,566
Reply to Office Action of October 2, 2008

PATENT
Docket: CU-4079

REMARKS

In the Office Action, dated October 2, 2008, Claims 1-3, 5-11 and 13 are pending and rejected. By the present Amendment, Applicant amends the claims.

Claim Objections

Claim 3 is objected to because the Office Action considers that it does not further limit Claim 1, the claim from which it depends. Solely in the interest of advancing prosecution and without prejudice or disclaimer of the subject matter thereof, Applicant has cancelled Claim 3. As such, Applicant respectfully requests withdrawal of the objection to Claim 3.

Claim Rejections Under 35 U.S.C. 103(a)

Claims 1-2, 5-6, 8-9, 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katafuchi (US 6,159,911). Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katafuchi in view of Curtis (US 2003/0220209). Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katafuchi in view of Papay (US 5,652,201). Claims 1-4, 8-9, 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chambard (US 2002/0082176).

Specifically, in section 1 on page 2 of the present Office Action, the Examiner states that while the references do not teach an alkylsalicylate meeting the limitations of type (A) of Claim 1, Katafuchi and Chambard do teach an alkylsalicylate meeting the limitations of type (B) of Claim 1. As such, since the alkylsalicylate of type (A) is an optional component, the claims are obvious over the cited prior art.

Solely in the interest of advancing prosecution and without prejudice or disclaimer of the subject matter thereof, Applicant has amended Claim 1 to specify that the alkylsalicylate of type (A) is required and no longer an optional component. As such, Applicant respectfully asserts that amended Claim 1 is not obvious over the cited prior art and respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date



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